

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION**

THE KROGER CO.,

*Plaintiff,*

v.

THE FEDERAL TRADE COMMISSION, *et al.*,

*Defendants.*

No. 1:24-cv-00438-DRC  
Hon. Douglas R. Cole

**DEFENDANTS' NOTICE OF MOTION TO RECESS  
ADMINISTRATIVE PROCEEDING**

Defendants respectfully provide notice that the parties in the underlying administrative proceeding, including Complaint Counsel for the Federal Trade Commission (“FTC”) and Respondents The Kroger Company and Albertsons Companies, Inc., have filed a joint motion asking the assigned Administrative Law Judge “to extend the current recess in [the administrative proceeding] until 21 days after the final resolution of the related federal preliminary injunction case captioned *FTC, et al. v. Kroger Co. & The Albertsons Cos.*, No 3:24-cv-00347-AN (D. Or.)” Expedited Jt. Mot. to Continue the Recess of the Ev. Portion of the Part 3 Administrative Hearing at 1, *In the Matter of The Kroger Co.*, Dkt. No. 9428 (Sept. 24, 2024) (attached as Exhibit A). The parties also jointly requested expedited consideration of that motion. *See id.* at 2.

Defendants will provide this Court with a further update upon the Administrative Law Judge’s resolution of that motion.

Dated: September 24, 2024

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

BRIAN D. NETTER  
Deputy Assistant Attorney General

CHRISTOPHER R. HALL  
Assistant Branch Director

/s/ Cassandra M. Snyder  
CASSANDRA SNYDER  
Trial Attorney  
Department of Justice  
Federal Programs Branch  
1100 L Street, N.W., Washington, DC 20005  
Tel: (202) 451-7729  
Email: cassandra.m.snyder@usdoj.gov

*Counsel for Defendants*